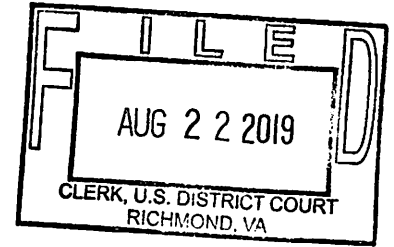


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



WILLIE CLAUDE PORTER,

Plaintiff,

v.

Civil Action No. 3:19cv7

DEPUY ORTHOPAEDICS, INC.,
et al.,

Defendants.

ORDER

By Order entered herein on July 2, 2019, the DEFENDANTS' MOTION TO DISMISS COMPLAINT (ECF No. 18) was referred to Magistrate Judge David J. Novak for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION (ECF No. 35) entered herein on August 6, 2019, and there being no timely filed objections thereto, and the time for filing objections having expired, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that the REPORT AND RECOMMENDATION of the Magistrate Judge (ECF No. 35) is adopted on the basis of the reasoning of the REPORT AND RECOMMENDATION.

It is further ORDERED that:

(1) the DEFENDANTS' MOTION TO DISMISS THE COMPLAINT (ECF No. 18) is granted; and

(2) Counts I, II, III and VII of the COMPLAINT (ECF No. 1) are dismissed without prejudice; and

(3) Counts IV, V and VI of the COMPLAINT (ECF No. 1) are dismissed with prejudice; and

(4) WILLIE CLAUDE PORTER'S MOTION FOR VOLUNTARY DISMISSAL CONSISTENT WITH THE REPORT AND RECOMMENDATION (ECF No. 35) IN THIS MATTER (ECF No. 37) is denied as moot.

It is so ORDERED.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: August 22, 2019